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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,814	09/13/2000	Donald F. Jemella	P/2167-252	8170

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EXAMINER

PATEL, JAGDISH

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/660,814

Applicant(s)

JEMELLA ET AL.

Examiner

JAGDISH PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to amendment filed 3/1/2005.

Response to Amendment

2. Claims 1, 9, 11, 12 and 41 have been amended. Claims 1-42 are currently pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

5. Claims 1-8 and 11-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming and further in view of Claims 3-4, 7, 9-11, 13, 14, 16-26 and 29-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming and further in view of Mewhinney (US Pat. 6,804,346 which claims priority to provisional application 60/143,460) filed on 7/13/1999) (hereafter referred to as Mewhinney).

Claim 1: Fleming discloses an apparatus for providing a customer with an opportunity to request an adjustment to said customer's account, comprising (refer to Fig. 8 Bank Customer Account Information system 10):

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a network interface being operable to send and receive data over an electronic network; (Fig. 8 telecommunication link)

a service charge adjustment system coupled to the network interface, (Bank Customer Account Information system 10) the service charge adjustment system being operable to perform at least the functions of:

receiving a request from the customer to make an adjustment to the account,

(col. 9 L 65- col. 10 L 12 steps and steps 1 and 2 col. 10, request is received at the touch-tone telephone and then at the Bank Customer Account Information system 10) delivering the request to an automated interface;

(col. 10 and Figure 8 the request is delivered to the Bank Customer Account Information system 10)

automatically rendering a decision on the request using the automated interface;

(as explained in col. 10 steps 1-4b the Bank Customer Account Information system 10 renders a decision on the request and

presenting the customer with the decision with respect to the request.

(Col. 10 steps 106 and 108).

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Fleming fails to teach that the request for adjustment relates to a charge or fee posted against the customer account.

Mewhinney, in the same field of endeavor teaches, an apparatus for providing a customer with an opportunity to request an adjustment to said customer's account, wherein a request is received from a customer to make an adjustment to the account, wherein the request for adjustment related to a charge or fee posted against the customer's account (see col. 4 L 20-21, customer wishes to contest charge to his account, path marked 118c is followed, Mewhinney further teaches that the request is processed and a decision is rendered on the request and presented to the customer, see Figures 3A and 3B).

Mewhinney, does not expressly show automating the rendering of the decision as claimed. As discussed earlier, Fleming discloses automation of decision process for a request pertaining to a request from a customer to make adjustment to an account.

It was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of rendering decision on a request to adjust an account wherein the

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request is related to charge or fee against a customer's account would expect from the manual step as shown in Mewhinney. In other words there is no enhancement found in the claimed step. The claimed rendering of the decision pertaining to the charge or fee provides automating the manual activity which disclosed in Mewhinney.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to automate the process of rendering a decision pertaining to the charge or fee posted against the customer's account in an analogous manner as disclosed in Fleming, because this would speed up the process of rendering the decision which is purely known, and an expected result from automation of what is known in the art.

Claim 2: wherein the automated interface is operable to perform:

retrieving at least one business rule from a business rules database; (col. 10 55-61, additional processing which compares the child increase to the security limit) and

applying the at least one business rule to arrive at the decision regarding the request.

(see (col. 10 55-61 refer to step 104 after the security limit value is applied)

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Claims 3-4: Fleming fails to explicitly teach maintaining an electronic site on the network to which the customer may connect.

Official Notice is taken that maintaining an electronic site on the network to which the customer may connect and presenting electronic screen over the network (i.e. web pages) for financial services is old and well known. For example, prior to the instant invention the customer may connect to the web page of a financial institution for account access and basic account related activities.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to maintain an electronic site on the network to access the service charge adjustment system (Bank Customer Account Information system) because this would facilitate access via electronic communication networks such as the Internet providing wider access and continuous availability of the system.

Claims 5 and 6: wherein the automated interface is further operable to perform the functions of:

requesting at least a first customer information; and
validating the first customer information.

(col. 9 L 65+ refer to customer log on process).

Claim 7 Fleming does not expressly show that the first customer information includes at least the name and address and date of customer of service. However, Mewhinney expressly shows that the information is provided by the customer when the request is communicated to the automated interface (see col. 4 L 35+ information related to the customer).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have this information provided in order that the customer and the subject

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charge against the account be correctly identified.

Claim 8. wherein the decision is one of the following:

granting an adjustment request;

denying an adjustment request; ..

(col. 10 L 34-42 4a and b. approval and rejection)

claim 12: all limitations of method claim 12 have been analyzed as per apparatus claim 1 analysis.

Claim 15: the request is made across a computer network (col. 9 L 60-64, ..personal computer system).

Claim 27: wherein the automated interface establishes a record of the request.

(col. 11 4b L 17-25...record the transaction)

Claim 28. wherein the automated interface initiates research to determine the validity of the request.

(col. 11 4b L 17-25...if ..available credit is greater than or equal to ..the request is approved)

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Claim 11. Fleming in combination with Mewhinney teaches method of providing a customer with an opportunity to electronically request an adjustment to the customer's account as discussed in claim 1 analysis. (Note that the method is as performed by the apparatus recited in claim 1).

Accordingly the combined invention discloses the steps of electronically delivering the first input entered by the customer via a touch tone telephone shown in Fig. 8. Fleming teaches step (d) automatically rendering and presenting a decision concerning the request as discussed in claim 1 analysis.

It is noted that while Fleming and Mewhinney do not explicitly teach the access of the automated interface, via an electronic site as claimed, there is inherent teaching (col. 9 L 60-64 ..other systems that allow the customer to input and receive information ..personal computer systems, may also be used in this invention).

Official Notice is taken that maintaining an electronic site on the network to which the customer may connect and presenting electronic screen over the network including screens having input fields as claimed and delivering the command to an automated interface (i.e. web pages) for financial services is old and well known. Furthermore, it is old and well known to convert the format of the customer input commands to another format such as encrypting for security and transmission to the financial server. For example, prior to the instant invention the customer may connect to the web page of a financial institution for account access and basic account related

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activities using these steps.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to maintain an electronic site on the network to access the service charge adjustment system and converting the format of the customer commands as per claim 11 (Bank Customer Account Information system) because this would facilitate access via electronic communication networks such as the Internet providing wider access and continuous availability of the system and would enable the customer to access the automated interface without compromising security of private data.

claim 13: all limitations of method claim 13 have been analyzed as per apparatus claim 3 analysis.

claim 14: all limitations of method claim 13 have been analyzed as per apparatus claims 4 and 5 analysis.

Claim 16: method of providing a customer with an opportunity to request an adjustment to the customer's account according to claim 13 wherein the computer network is the Internet (refer to analysis of claim 4).

Claims 17-23 Fleming does not explicitly teach alternative methods of receiving and delivering the customer account adjustment request.

Official Notice is taken that receiving and delivering the

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account related inquiries and requests via different modes of communication are old and well known such modes including telephone, facsimile, mail etc. as per claims 17-23.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to employ any one of the methods of communication of information to facilitate account adjustment request because the customer would be able to use the services using the most convenient method available.

Claim 24-26: refer to discussion of claim 11 for format conversion, noting that the Internet itself is shared operating environment.

Claims 29, 31-40 have been analyzed as containing non functional descriptive material because these limitations do not affect functionality of the underlying method steps. For example, claim 29 refers to the type of decision (i.e. refund). It is noted that the functionality of process steps recited in claims have no relationship to property of the decision. See claim 7 for further details.

Claim 30: decision on the request is denial (see col. 10 "rejection" at step 4a).

Claims 41-42: all limitations of claims 41 and 42 have been analyzed in claims 11 and 2 above.

Allowable Subject Matter

6. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

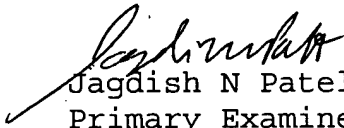
Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (703)308-7837. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jagdish Patel can be

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reached on (703)308-7837. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 5/13/05
Jagdish N Patel
Primary Examiner, AU 3624